IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 14871 of 2004

Between:

The Andhra Pradesh Sales Tax Bar Association, M.J. Road, Opp Gandhi Bhavan, Excise and Commercial Taxes Building, Nampally Hyderabad rep by Secretary, Mr.G. Narendra Chetty,
S/o Lt. G.R. Chetty

..... PETITIONER

AND

1.The Government of Andhra Pradesh, Revenue (CT) Department, rep by Spl. Chief Secrtary,
Secrtariat Buildings, Saifabad Hyderabad.
2. The Government of Andhra Pradesh, rep by Secretary, Law Department, Secretariat Buildings,
Saifabad, Hyderabad.
3.The Secretary, Sales Tax Appellate Tribunal, Excise Commercial Taxes Buildings,
M.J.Road, Opp: Gandhi Bhavan, Namapally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction particularly in the nature of Writ of Mandamus declaring the action on the part of the respondents 1 and 2 in allowing the post of the Accountant Member as vacant continuously since 01-04-2004 and its inaction in not appointing a qualified and suitable person as Accounts Member to

the Sales tax Appellate Tribunal, resulting in non disposal of the appeals resulting in increase in pendency of appeals, as illegal, improper, unjust and not in accordance with the provisions of Section-3 of the APGST Act 1957 and consequently direct the Government of Andhra Pradesh represented by the first and Second respondents to take immediate and appropriate steps in the direction of appointing Accounts Members to the Sales Tax Appellate Tribunal, Hyderbad as the Third member of the Tribunal forthwith.

Counsel for the Petitioner: Mr.M.V.J.K.KUMAR

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The challenge made in the Writ Petition is to the inaction on the part of the Government in allowing the post of the Accountant-Member vacant since April, 2004 in the Sales Tax Appellate Tribunal, Hyderabad and direction is sought to the respondents to take immediate steps for appointment of Accountant-Member to the Sales Tax Appellate Tribunal, Hyderabad. Time was sought to file reply.

Learned Government Pleader for Revenue has shown us memo dated: 8.9.2004 received from the Officer on Special Duty, Revenue Department, Government of Andhra Pradesh pointing out that Government has already appointed Sri T.V.Bhaskara Reddy, Joint Commissioner (Income Tax) as Accountant Member of the Sales Tax Appellate Tribunal vide G.O.Rt.No.1352, dated: 25.8.2004.

Learned counsel for the petitioner submits that the Writ Petition be kept pending since nobody has taken charge till today.

From the G.O.Rt.No.1352, dated: 25.8.2004, it is apparent that Sri T.V.Bhaskara Reddy, Joint Commissioner (Income Tax), Ministry of Finance (Department of Revenue), Government of India has been appointed as Accountant Member of the Sales Tax Appellate Tribunal, Hyderabad for a period of three years and the period of deputation will commence from the date on which he handed over charge of the post of Joint Commissioner of Income Tax and assumes his office. Normally, in such matter, there is bound to be some delay in getting the incumbent relieved and assuming the post.

In view of the issuance of the G.O., this Writ Petition has been rendered infructuous. With leave and liberty granted to the petitioner to take appropriate steps in the event of the Member appointed not joining within a reasonable time, the Writ Petition is dismissed. No costs.

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DEVINDER GUPTA, C.J.

5.10.2004.

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C.V.RAMULU, J.

VR.

Note:

Issue cc within two days.

(BO)

VR.

To

1.The Special Chief Secretary, Government of Andhra Pradesh, Revenue (CT) Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The Secretary, Government of Andhra Pradesh, Law Department, Secretariat Buildings,
Saifabad, Hyderabad.

3.The Secretary, Sales Tax Appellate Tribunal, Excise Commercial Taxes Buildings,
M.J.Road, Opp: Gandhi Bhavan, Namapally, Hyderabad.

4. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.